

REMARKS

This application has been reviewed in light of the Office Action dated July 3, 2003. Claims 12, 18, 42, and 62-69 are now pending. Claims 1-5, 10, 11, 13-17, 19-22, 32-41, and 43-61 have been cancelled, without prejudice or disclaimer of the subject matter presented therein. Claims 12 and 42 have been amended to define still more clearly what Applicants regard as their invention. Claims 62-69 have been added, and correspond to canceled Claims 2-5 and 33-36, respectively. Claims 12 and 42 are independent.

Paragraph 3 of the Office Action states that “Claims 1, 2, (10-22)/(1, 2), 32, 33, and (41-44)/(32, 33) are rejected under 35 U.S.C. 102 (a or b, depending upon effective filing date) as being anticipated by” European Patent Application EP 0 850 892 A1 (Nishimura et al.). Paragraph 4 of the Office Action states that “Claims 1, 2, (10-22)/(1,2), 32, 33, and (41-44)/(32, 33) are rejected under 35 U.S.C. 102 (a or b depending upon effective filing date-) as being clearly anticipated by” European Patent Application EP 0 865 931 A1 (Miyamoto et al.). Paragraph 6 of the Office Action states that “Claims 3-5, (10-19)/3-5), 34-36 and (41-44)/(34-36) are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura et al (or Miyamoto et al, applied individually), as above.”

Initially, without conceding the propriety of these rejections, cancellation of the rejected claims (besides Claims 12, 18, and 42) renders the corresponding rejections moot.

Applicants now offer the following comments with regard to independent Claims 12 and 42.

Claim 12 has been amended, and now is in independent form. As now amended, Claim 12 recites an electron source comprising a substrate containing Na, a first layer containing SiO₂ as a main component formed directly or indirectly on the substrate, a second layer containing an electron conductive oxide formed directly or indirectly on the substrate, and an electron-emitting material and an electrode connected with the electron-emitting material. The electron-emitting material and electrode are disposed on the first layer or the second layer.

Claim 42 also has been amended, and now is in independent form. As amended, Claim 42 recites an electron source comprising a substrate, a first layer containing SiO₂ as a main component formed directly or indirectly on the substrate, a second layer containing an electron conductive oxide formed directly or indirectly on the substrate, and an electron-emitting material and an electrode connected with the electron-emitting material. The electron-emitting material and electrode are disposed on the first layer or second layer.

As described in the Response To Office Action filed on April 14, 2003, Nishimura et al. refers to an electron source comprising an electron-emitting device having a substrate 1, a pair of device electrodes 2 and 3, an electroconductive film 4, and an electron-emitting region 5. Reference numeral 6 denotes a “de-sodiumized” layer, a sodium-capturing layer, a multilayer structure combining the two, or a de-sulfurized layer. The substrate 1 comprises sodium. According to Nishimura et al., the member is an electron conductive film having an electron-emitting region 5, and corresponds to an electron-emitting material. However, nothing in Nishimura et al. would teach or suggest an

electron source having both of first and second layers in addition to an electron-emitting material.

Miyamoto et al. refers to an electron-emitting element wherein a titanium oxide film 6 is sputtered on a soda lime glass substrate 1. A Pt film is deposited by a vacuum deposition process. The photoresist pattern is dissolved in an organic solvent to lift off the deposited film, thereby forming electrodes 2 and 3 with a gap therebetween (see, e.g., page 21, Step a). An electron source of Miyamoto et al. also comprises an electron-emitting device having a conductive layer 4 and a pair of electrodes 2, 3, and a substrate structure having a substrate 1 and a single layer 6 (rather than first and second layers as defined in Claim 1). According to Miyamoto et al., the layer 4 is an electron conductive thin film having an electron-emitting part 5, and corresponds to the electron-emitting material of the present invention.

Applicants respectfully submit that nothing in either Nishimura et al. nor Miyamoto et al. would teach or suggest an *electron source* comprising a substrate, a first layer containing SiO₂ as a main component formed directly or indirectly on the substrate, a second layer containing an electron conductive oxide formed directly or indirectly on the substrate, and an electron-emitting material and an electrode connected with the electron-emitting material, wherein the electron-emitting material and the electrode are disposed on the first layer or the second layer, as recited in Claims 12 and 42.

For at least these reasons, Claims 12 and 42 are each deemed clearly patentable over Nishimura et al. and Miyamoto et al., whether considered separately or in

combination. Accordingly, withdrawal of the rejections of those claims is respectfully requested.

If, after considering the foregoing comments, the Examiner still is not persuaded to remove the rejections of Claims 12 and 42, he is respectfully requested to explain which portions of Nishimura et al. and Miyamoto et al. he believes teaches the layered structure of the electron source of Claims 12 and 42.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

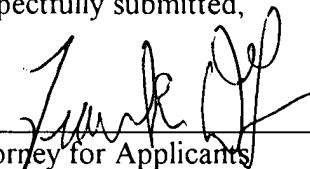
This Amendment After Final Rejection is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. At the very least, it is believed that the all issues relating to the cancelled claims have been overcome. In any event, however, entry of this Amendment After Final Rejection, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, he is

respectfully requested to contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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